

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local Procurement Obligations

Rulemaking 11-10-023  
(Filed October 20, 2011)

**DECISION GRANTING COMPENSATION TO THE VOTE SOLAR INITIATIVE  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-06-024.**

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| <b>Claimant: The Vote Solar Initiative</b>     | <b>For contribution to Decision (D.) 13-06-024</b>     |
| <b>Claimed (\$): \$50,528.26</b>               | <b>Awarded (\$): \$ 39,706.26 (reduced 21.4%)</b>      |
| <b>Assigned Commissioner: Michel P. Florio</b> | <b>Assigned Administrative Law Judge (ALJ): Gamson</b> |

**PART I: PROCEDURAL ISSUES**

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| <b>A. Brief Description of Decision:</b> | <p>D.13-06-024 established local capacity procurement obligations for 2014 applicable to Commission regulated load serving entities. D.13-06-024 also adopted flexible capacity as an additional component of resource adequacy (RA) requirements. The Commission determined, however, that there is no compelling need to adopt a flexible capacity requirement for the 2014 RA year, as the likely increased ratepayer costs of such a requirement are not justified given that the ISO has not shown a likelihood of a shortage of flexible capacity for next year. However, the Commission found that there is a reasonable likelihood that there will be a need for additional flexible capacity beginning in 2014, and so, in 2014, the Commission will conduct workshops and further proceedings to refine the flexible capacity requirement to go into effect in 2015. The inquiry will consider how to best provide so a wide range of use-limited, preferred, and other resources can qualify to meet flexible capacity needs.</p> |
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

|   | <b>Claimant</b>          | <b>CPUC Verified</b> |
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| <b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b> |                          |                      |
| 1. Date of Prehearing Conference:   | March 20, 2013 (Phase 2) | Verified             |
| 2. Other Specified Date for NOI:  |                          |                      |
| 3. Date NOI Filed:  | November 28, 2011        | Verified             |
| 4. Was the NOI timely filed?  |                          | Yes                  |
| <b>Showing of customer or customer-related status (§ 1802(b)):</b>                |                          |                      |
| 5. Based on ALJ ruling issued in proceeding number:                               | R.12-06-013              | Verified             |
| 6. Date of ALJ ruling:  | February 25, 2013        | Verified             |
| 7. Based on another CPUC determination (specify):                                 |                          |                      |
| 8. Has the Claimant demonstrated customer or customer-related status?             |                          | Yes                  |
| <b>Showing of “significant financial hardship” (§ 1802(g)):</b>                   |                          |                      |
| 9. Based on ALJ ruling issued in proceeding number:                               | R. 12-06-013             | Verified             |
| 10. Date of ALJ ruling:   | February 25, 2013        | Verified             |
| 11. Based on another CPUC determination (specify):                                |                          |                      |
| 12. Has the Claimant demonstrated significant financial hardship?                 |                          | Yes                  |
| <b>Timely request for compensation (§ 1804(c)):</b>                               |                          |                      |
| 13. Identify Final Decision:  | D.13-06-024              | Verified             |
| 14. Date of Issuance of Final Order or Decision:                                  | July 3, 2013             | Verified             |
| 15. File date of compensation request:  | August 30, 2013          | Verified             |
| 16. Was the request for compensation timely?                                      |                          | Yes                  |

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

| <b>Contribution</b>  | <b>Specific References to Claimant's Presentations and to Decision</b>  | <b>Showing Accepted by CPUC</b>                             |
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| <p><b>1. There is no need for the Commission to implement a flexible capacity program in 2014</b></p> <p>“The Commission should not adopt any of the proposals to implement a flexible capacity procurement obligation program (flexible capacity program) in 2014. The proposals’ proponents have neither demonstrated a need for such a program in 2014 nor provided the Commission with necessary information about the cost and GHG implications of their proposals. The proposals also fail to consider loading order requirements and the anticipated benefits from developing Energy Imbalance Markets.”</p> <p><b>Vote Solar Comments</b>, dated April 5, 2013, p.1</p> <p>“Although the Joint Parties argue that an interim program “will enhance operational certainty as early as 2014,” the CAISO supplied data indicates that there is more than enough flexible capacity in the existing fleet to satisfy flexible capacity needs for 2014 and beyond. . . . Since there is no need for a flexible capacity procurement program in 2014, and instituting an interim program in 2014 provides, at best, only speculative benefits, the Commission should not adopt a flexible capacity program to begin in 2014.”</p> <p><b>Vote Solar Comments</b>, dated April 5, 2013, pp.2-3</p> <p>“The bottom line is that lacking any definitive need for a flexible capacity program in 2014, the Commission should</p> | <p>“Vote Solar and Sierra Club contend there is no need for a flexible capacity procurement in 2014, and instituting an interim program in 2014 provides, at best, only speculative benefits.”</p> <p><b>D.13-06-024 at 23.</b></p> <p>“We agree with the comments of several parties that it is not reasonable to impose a new requirement on LSEs for flexible capacity in the 2014 RA year which would increase ratepayer costs without a clear benefit.”</p> <p><b>D.13-06-024 at 39.</b></p> <p>“For all these reasons, it is not in the public interest to adopt a flexible capacity requirement for RA year 2014.”</p> <p><b>D.13-06-024 at 39.</b></p> <p>“It is not reasonable to impose a new requirement on LSEs for flexible capacity in the 2014 RA year as there is no demonstrated need.”</p> <p><b>D.13-06-024, Conclusions of Law no.6</b></p> | <p>Yes, but<br/>duplicative of other<br/>parties’ work.</p> |

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| <p>not adopt any proposals seeking to implement a flexible capacity program in 2014, even on a limited, trial basis.”<br/> <b>Vote Solar Reply Comments</b>, dated April 15, 2013, pp.2-3</p> <p>“The Joint Parties acknowledge that their 2014 program proposals are limited and that important issues raised by Vote Solar and other parties will not be addressed until 2015 or later . . . Since there is no need to implement a flexible capacity program in 2014, especially not a resource restricted trial program, the Commission, instead, should use the time to consider and address the relevant issues associated with instituting a flexible capacity program that is as fully functional, cost- effective and policy complaint as reasonably possible.”<br/> <b>Vote Solar Reply Comments</b>, dated April 15, 2013, pp.3-5</p>  |   |  |
| <p><b>2. There is no need for the Commission to institute even a limited, trial run in 2014</b></p> <p>“The bottom line is that lacking any definitive need for a flexible capacity program in 2014, the Commission should not adopt any proposals seeking to implement a flexible capacity program in 2014, even on a limited, trial basis.”<br/> <b>Vote Solar Reply Comments</b>, dated April 15, 2013, pp.2-3</p> <p>“The Joint Parties acknowledge that their 2014 program proposals are limited and that important issues raised by Vote Solar and other parties will not be addressed until 2015 or later . . . Since there is no need to implement a flexible capacity program in 2014, especially not a resource restricted trial program, the Commission, instead, should use the time to consider and address the relevant issues associated with instituting a flexible capacity program that is as fully functional, cost-effective</p> | <p>“The concept of a trial run has some appeal; however, there are practical problems with implementing such a program. . . . Therefore, it is very likely that a trial run would provide poor, incomplete or misleading information about both availability and pricing. Due to uncertain value of such an effort, we will not adopt a trial run for 2014”<br/> <i>D.13-06-024 at 54</i></p> |  |

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| <p>and policy complaint as reasonably possible.”</p> <p><b>Vote Solar Reply Comments</b>, dated April 15, 2013, pp.3-5</p> <p>“[I]nstead of rushing to implement a trial, fossil-fuel biased program in 2014, the CPUC should use the time to thoroughly consider GHG impacts and adopt a flexible capacity program that best complies with the state’s goals to decrease GHG emissions. “</p> <p><b>Vote Solar Reply Comments</b>, dated April 15, 2013, p.9</p> <p>“There is no demonstrated need or urgency to implement a flexible capacity program in 2014, especially one that elevates speed over substance. Instead, the Commission should use the time to investigate, determine and adopt a flexible capacity program that reasonably balances the Commission and the state’s economic, efficiency, cost-effectiveness, loading order and GHG emissions reduction goals.”</p> <p><b>Vote Solar Reply Comments</b>, dated April 15, 2013, p.9</p> |   | Yes |
| <p><b>3. The costs to implement the Joint Proposal are unknown</b></p> <p>“[N]either the Commission nor stakeholders have any idea of whether the Joint Proposal will result in a flexible capacity product that is economic or cost-effective for LSEs, in particular, non-IOU LSEs, to implement. Prior to the adoption of any changes to the RA program, the Commission must thoroughly explore cost implications and ensure costs are minimized to the extent feasible.” <b>Vote Solar and Sierra Club Comments on Joint Parties’ Proposal</b>, dated Dec. 26, 2012, p14</p>   | <p>“Imposing a flexible capacity requirement would increase ratepayer costs by an unknown amount.”</p> <p><b>D.13-06-024</b>, Findings of Fact no.10.</p> | Yes |
| <p><b>4. <u>The Commission should modify the Joint Parties Proposal to consider loading order requirements, GHG emissions issues and participation by preferred and use-limited resources</u></b></p>  |   |     |

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| <p>“[A]llowing LSEs to procure ramping products of less than three hours duration would be to significantly increase the number and variety of generation resources that could provide flexible capacity, thereby increasing options and competition and reducing prices. Limiting flexible capacity procurement products to only those capable of providing three hour ramping will, for all practical purposes, require LSEs to purchase fossil-fired generation products, resulting in decreased competition, increased prices and GHG emissions and freezing out more preferred resources for years to come.”</p> <p><b>Vote Solar and Sierra Club Comments on Joint Parties’ Proposal</b>, dated Dec. 26, 2012, pp.14-15</p> <p>“[T]he Commission must consider loading order requirements as part of any decision concerning resource adequacy. As previously discussed, the proposed flexible capacity programs will exclude participation by more preferred resources in the loading order, such as demand response and renewables, and hinder the development and implementation of technological improvements such as storage and more sophisticated inverters and tracking systems for PV installations. The Commission should not adopt a flexible capacity program until it is satisfied that the design and operation of the flexible capacity program will expand rather than limit the development, implementation and participation of more preferred resources.”</p> <p><b>Vote Solar Comments</b>, dated April 5, 2013, p.4</p> | <p>“However, we do not adopt the specific words or terminology of the Joint Parties Proposal...”<br/><i>D.13-06-024 at 43.</i></p> <p>“We agree with parties who advocate for a mechanism to allow preferred resources to participate in the flexible capacity framework we approve today.”<br/><i>D.13-06-024 at 51.</i></p> <p>“We are aware that there are various resources – including preferred resources, but also other use-limited resources – which are dispatchable in the sense that they are operationally capable of producing energy on demand on the one hand or can contribute to reducing ramping needs, but which cannot meet the strict terms of the eligibility requirements proposed . . . . We will consider these rules for the 2015 resource adequacy compliance year . . .”<br/><i>D.13-06-024 at 51.</i></p> <p>“The Joint Parties’ Proposal should be adopted as the interim flexible capacity framework, with necessary modifications to be made by June 2014 to allow for participation of preferred resources, use-limited resources and combined cycle gas turbine resources.” <i>D.13-06-024</i>, Conclusions of Law no.10.</p> <p>“The Joint Parties’ Proposal should be used as a starting point, along with PG&amp;E’s proposal for counting hydro</p> | <p>Yes but duplicative.</p> |
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|   | <p>resources, for a flexible capacity framework. Between now and June</p> <p>2014, the Commission should develop rules to allow for the participation of preferred resources within the flexible capacity framework.”</p> <p><b><i>D.13-06-024</i></b>, Conclusions of Law no.13.</p>   |                             |
| <p><b>5. The Commission must consider that preferred resources and use- limited resources can help reduce ramping needs</b></p> <p>“[A]doption of the Joint Proposal would have a chilling effect on the development and implementation of technological improvements that may be available by the end of the decade, when some kind of flexible capacity procurement obligation may be beneficial. For example, new, more sophisticated inverters are being installed for PV systems that can provide frequency response, reactive power and other services; improved PV panel efficiencies and a change from fixed to tracking will increase capacity and availability; and adding storage to all types of renewable energy will increase flexibility and dispatchability and reduce variability.”</p> <p><b>Vote Solar and Sierra Club Comments on Joint Parties’ Proposal</b>, dated Dec. 26, 2012, p.16</p> <p>“Fundamental to the Commission’s RA review process is compliance with loading order requirements and the need to meet greenhouse gas emission reduction goals. By mandating the use of fossil-fired generation to satisfy its proposed flexible capacity procurement obligations, the Joint Proposal improperly circumvents the Commission’s authority and mandate to consider whether more preferred resources in the loading order would better satisfy the proposed RA obligations. In particular, the Joint</p> | <p>“We are aware that there are various resources – including preferred resources, but also other use-limited resources – which are dispatchable in the sense that they are operationally capable of producing energy on demand on the one hand or can contribute to reducing ramping needs, but which cannot meet the strict terms of the eligibility requirements proposed</p> <p>. . . . We will consider these rules for</p> <p>the 2015 resource adequacy compliance year . . .”</p> <p><b><i>D.13-06-024 at 51.</i></b></p> <p>“The use limitations of different resources, as well as consistency with load order requirements, avoiding GHG impacts and the potential availability of out of state resources (e.g., via the CAISO’s developing Energy Imbalance Market) all must be considered in deciding how such resources can</p> <p>qualify as flexible capacity.”</p> <p><b><i>D.13-06-024</i></b>, Findings of Fact no.19.</p> | <p>Yes but duplicative.</p> |

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| <p>Proposal fails to consider whether demand response might provide some or all of the necessary flexibility to deal with the asserted over generation and ramping problems . . . . The Commission must consider whether other, more preferable resources can satisfy a flexible capacity procurement obligation and ensure that such resources are not preempted by the Joint Parties' Proposal.”</p> <p><b>Vote Solar and Sierra Club Comments on Joint Parties' Proposal</b>, dated Dec. 26, 2012, pp. 16-17</p>  | <p>“The use limitations of different resources, as well consistency with loading order requirements, avoiding GHG impacts and the potential availability of out of state resources (i.e., via the CAISO's developing Energy Imbalance Market) all must be considered in deciding how such resources can qualify as flexible capacity.”</p> <p><i>D.13-06-024</i>, Conclusions of Law no.14.</p>  |                             |
| <p><b>6. The Commission should consider the expected flexible capacity benefits from the implementation of Energy ImbalanceMarkets (EIMs)</b></p> <p>“The CAISO Board of Governors recently approved a Memorandum of Understanding between the CAISO and PacifiCorp to begin development of an Energy Imbalance Market (EIM). This will allow the two entities to pool reserve generation, allowing for easier integration of variable resources at lower costs. . . . [B]efore adopting a new flexible capacity program with long-term implications for increased ratepayer costs and GHG emissions, the Commission should first consider the benefits expected from the implementation of EIMs throughout the west, in particular, the ability of California to access and call upon existing flexible resource from outside of California . . . .”</p> <p><b>Vote Solar Comments</b>, dated April 5, 2013, pp.4-5</p> | <p>“AReM and other parties call for integration of flexible capacity requirements into current market mechanisms, such as the ISO's biddable ancillary service markets and energy imbalance market . . . . As more work goes into consideration of centralized capacity markets and other market mechanisms, it may be appropriate to consider how to integrate a flexible capacity framework into such approaches, or whether to replace the adopted framework with other approaches.”</p> <p><i>D.13-06-024 at 52-53.</i></p> <p>“The use limitations of different resources, as well as consistency with load order requirements, avoiding GHG impacts and the potential availability of out of state resources (e.g., via the CAISO's developing Energy Imbalance Market) all must be considered in deciding how such resources can qualify as flexible capacity.”</p> | <p>Yes but duplicative.</p> |



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|  | <p><b>D.13-06-024</b>, Findings of Fact no.19.</p> <p>“The use limitations of different resources, as well consistency with loading order requirements, avoiding GHG impacts and the potential availability of out of state resources (i.e., via the CAISO’s developing Energy Imbalance Market) all must be considered in deciding how such resources can qualify as flexible capacity.”</p> <p><b>D.13-06-024</b>, Conclusions of Law no.14</p>  |            |
| <p><b>7. Vote Solar’s recommended revisions to Findings of Fact:</b></p> <p>“4. There is a need for refinements to the RA program to further define elements of flexibility, as grid operations and reliability may suffer without sufficient <del>generation</del> resources capable of <i>reducing ramping needs or</i> being flexibly dispatched.”</p> <p><b>Vote Solar Comments on Proposed Decision</b>, dated June 17, 2013, p.A-1</p> <p>“17. The Joint Parties’ Proposal provides a <i>one possible fully detailed</i> flexible capacity framework.”</p> <p><b>Vote Solar Comments on Proposed Decision</b>, dated June 17, 2013, p.A-1</p> <p>19. The use limitations of different resources, <i>as well as the need to satisfy loading order requirements, avoid GHG impacts and the potential availability of new resources (i.e., via the CAISO’s developing Energy Imbalance Market) all must be considered in deciding</i> <del>may</del> <i>affect</i> how or whether <i>the potential new and existing</i> <del>such</del> resources can qualify as flexible capacity.”</p> <p><b>Vote Solar Comments on Proposed Decision</b>, dated June 17, 2013, p.A-1</p> | <p><b>D.13-06-024 Adopted Findings of Fact:</b></p> <p>“4. There is a need for refinements to the RA program to further define elements of flexibility, as grid operations and reliability may suffer without sufficient resources capable of reducing ramping needs or being flexibly dispatched.”</p> <p><b>D.13-06-024</b>, Findings of Fact no.4</p> <p>“17. The Joint Parties’ Proposal provides a detailed flexible capacity framework that can serve as the foundation for a flexible capacity program.”</p> <p><b>D.13-06-024</b>, Findings of Fact no.17</p> <p>“19. The use limitations of different resources, as well as</p> | <p>Yes</p> |

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|  | consistency with loading order requirements, avoiding GHG impacts and the potential availability of out of state resources (e.g., via the CAISO's developing Energy Imbalance Market) all must be considered in deciding how such resources can qualify as flexible capacity.”<br><br><b>D.13-06-024</b> , Findings of Fact no.19   |     |
| <b>8. Vote Solar's recommended revisions to Conclusions of Law:</b><br><br>14. The use limitations of different resources, <i>as well as the need to satisfy loading order requirements, avoid GHG impacts and the potential availability of new resources (i.e., via the CAISO's developing Energy Imbalance Market) all must be considered in deciding <del>may</del> affect how or whether the potential new and existing <del>such</del> resources can qualify as flexible capacity.</i><br><b>Vote Solar Comments on Proposed Decision</b> , dated June 17, 2013, p.A-2 | <b>D.13-06-024 Adopted Conclusions of Law:</b><br><br>“14. The use limitations of different resources, as well as consistency with loading order requirements, avoiding GHG impacts and the potential availability of out of state resources (e.g., via the CAISO's developing Energy Imbalance Market) all must be considered in deciding how such resources can qualify as flexible capacity.”<br><br><b>D.13-06-024</b> , Conclusions of Law no.14 | Yes |

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

|  | <b>Claimant</b> | <b>CPUC Verified</b> |
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| <b>a. Was the Office of Ratepayer Advocates (ORA)<sup>1</sup> a party to the proceeding?</b>   | Yes             | Verified             |
| <b>b. Were there other parties to the proceeding with positions similar to yours?</b>  | Yes             | Verified             |
| <b>c. If so, provide name of other parties:</b><br>DRA, TURN, DECA, EnerNoc, California Wind Energy Assn., Clean Coalition, Large-scale Solar Assn., Sierra Club |                 | Verified             |
| <b>d. Describe how you coordinated with ORA and other parties to avoid</b>   |                 |                      |

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

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| <p><b>duplication or how your participation supplemented, complemented, or contributed to that of another party:</b></p> <p>During the course of this proceeding, Vote Solar had ongoing discussions with DRA, TURN, Sierra Club, California Wind Energy Assn. and Large-scale Solar Assn. regarding joint issues, coordinating workshop presentations, litigation strategies and the possibility of joint comments. Vote Solar did submit a set of opening joint comments with Sierra Club (on December 26, 2012).</p> | <p>Verified, but duplication still occurred.</p> |
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### **PART III: REASONABLENESS OF REQUESTED COMPENSATION**

#### **A. General Claim of Reasonableness (§§ 1801 & 1806):**

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| <p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>Vote Solar’s participation in this proceeding was directed at policy and environmental matters, and therefore ascertaining direct benefits, in terms of actual dollars, to ratepayers is difficult. Nevertheless, Vote Solar’s actions as an individual party resulted in direct and specific ratepayer benefits in that the Commission determined, as Vote Solar asserted, that a flexible capacity program neither was needed in 2014 nor would a 2014 trial program be cost-effective. Further, the Commission agreed that the Joint Parties Proposal required modification to incorporate loading order requirements, participation by preferred and use-limited resources, GHG emissions issues, and consideration of the potential benefits of developing EIMs, all of which further the RPS and environmental goals of the Governor, the Legislature and the Commission. Vote Solar’s participation, therefore, is fully consistent with D.88-04-066, which states:</p> <p>“With respect to environmental groups, [the Commission has] concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” <u>mimeo</u>, p.3</p> <p>Ultimately, ratepayers have directly benefitted by the above described advocacy by Vote Solar and its focus on environmental concerns and developing the full potential of solar and other preferred resources.</p> | <p><b>CPUC Verified</b></p> <hr/> <p>Verified</p> |
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| <p><b>b. Reasonableness of Hours Claimed.</b></p> <p>Vote Solar is a small, tightly staffed and budgeted organization with a very “flat” management structure. At the time this phase 2 of R.11-10-023 began, Kelly Foley was the only in house attorney at Vote Solar and the only employee, attorney or otherwise, dedicated full time to California issues, in particular CPUC-related issues. Vote Solar continuously strives, whenever practical or possible, to narrow participation to areas where Vote Solar is more likely to bring a unique voice, perspective or contribution. Vote Solar’s participation at the CPUC was supplemented by the specialized expertise of the law firm of Ellison, Schneider &amp; Harris (ESH), for the purpose of providing legal assistance on CPUC-related matters.</p> <p>The first matter Vote Solar assigned to Ellison, Schneider &amp; Harris was this proceeding, phase 2 of R.11-10-023. Initially, Ronald Liebert worked with Ms. Foley on this matter, which is why, as the attached timesheets demonstrate, although Mr. Liebert prepared Vote Solar’s portion of the joint comments Vote Solar submitted with the Sierra Club (dated December 26, 2012), Ms. Foley signed the joint comments for Vote Solar.</p> <p>Subsequently, Ms. Foley left Vote Solar to become an advisor to CEC Commissioner David Hochschild, and Mr. Liebert became Vote Solar’s primary legal counsel for phase 2 of R.11-10-023.</p> <p>Both Vote Solar and ESH incorporate pro-rata adjustments to time spent by Vote Solar and ESH employees. As indicated on the time sheets, if, by example, multiple Vote Solar and/or ESH representatives spend 1 hour on a phone call, the 1 hour is split between the representatives, with a half hour being claimed by each, rather than the full hour by both.*** Further, although ESH’s office is located in Sacramento, approximately 90 miles from the Commission, as per the intervenor compensation rules, Vote Solar is not requesting any travel time or travel expenses for ESH attorneys to attend proceedings at the Commission.</p> <p>*** Prior to preparing this intervenor compensation claim, timesheets for Vote Solar employee, Jim Baak, were corrupted due to a computer failure. Therefore, this intervenor compensation request does not include any time for Mr. Baak, in particular, for his discussions with Mr. Liebert and his/ Vote Solar’s review and approval of comments and briefs prior to their submission to the Commission.</p> | <p>Verified</p> |
| <p><b>c. Allocation of Hours by Issue – see Attachment 2 for details.</b></p> <p>Issue A. Whether there is a need for a flexible capacity program in 2014: 43.8 hours (32.5%)</p> <p>Issue B. Whether there is a need for a trial program in 2014: 5.1 hours (3.8%)</p>   |                 |

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| <p>Issue C. What are the costs associated with the Joint Proposal: 4.3 hours (3.2%)</p> <p>Issue D. How to incorporate loading order requirements, GHG emissions issues and participation by preferred and use-limited resources: 31.2 hours (23.2%)</p> <p>Issue E. Can preferred and use-limited resources help reduce ramping needs: 27.7 hours (20.5%)</p> <p>Issue F. How to account for expected flexible capacity benefits from the implementation of Energy Imbalance Markets: 12.6 hours (9.4%)</p> <p>Issue G. General and Procedural: 10.0 hours (7.4%)</p> | Verified |
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**B. Specific Claim:\***

| CLAIMED                             |           |       |       |   |          | CPUC AWARD          |                         |             |
|-------------------------------------|-----------|-------|-------|---|----------|---------------------|-------------------------|-------------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES |           |       |       |   |          |                     |                         |             |
| Item                                | Year      | Hours | Rate  | Basis for Rate*   | Total \$ | Hours               | Rate                    | Total \$    |
| Ronald Liebert (RL)                 | 2012      | 31.5  | \$395 | First-time representative – rate request rationale provided in Attachment 3 | \$12,442 | 24.2 <sup>[E]</sup> | \$395.00 <sup>[A]</sup> | \$9,559.00  |
| Ronald Liebert                      | 2013      | 80.5  | \$395 | First-time representative – rate request rationale provided in Attachment 3 | \$31,797 | 62.4 <sup>[E]</sup> | \$395.00 <sup>[A]</sup> | \$24,648.00 |
| Lynn M. Haug (LMH)                  | 2013      | 8.4   | \$395 | First-time representative – rate request rationale provided in Attachment 4 | \$3,318  | 6.4 <sup>[E]</sup>  | \$395.00 <sup>[B]</sup> | \$2528.00   |
|                                     | Subtotal: |       |       |   | \$47,557 | Subtotal:           |                         | \$36,735.00 |
| OTHER FEES                          |           |       |       |   |          |                     |                         |             |
| Item                                | Year      | Hours | Rate  | Basis for Rate*   | Total \$ | Hours               | Rate                    | Total \$    |
| Eric L. Janssen (ELJ)               | 2013      | 0.9   | \$100 | First-time representative   | \$90     | .9                  | \$100.00 <sup>[C]</sup> | \$90.00     |
| Deric J. Wittenborn (DJW)           | 2012      | 0.7   | \$100 | First-time representative   | \$70     | .7                  | \$100.00 <sup>[D]</sup> | \$70.00     |
|                                     | Subtotal: |       |       |   | \$160    | Subtotal:           |                         | \$160.00    |

| INTERVENOR COMPENSATION CLAIM PREPARATION **  |           |  |         |                                     |             |  |          |             |
|---|-----------|--|---------|-------------------------------------|-------------|--|----------|-------------|
| Item  | Year      | Hours  | Rate    | Basis for Rate*                     | Total \$    | Hours  | Rate     | Total \$    |
| Ronald Liebert  | 2013      | 11.7   | \$197.5 | ½ First-time representative request | \$2310      | 11.7   | \$197.5  | \$2,310.00  |
| Lynn Haug   | 2013      | 1.0  | \$197.5 | ½ First-time representative request | \$197       | 1.0  | \$197.5  | \$197.00    |
|   | Subtotal: |  |         |                                     | \$2507      | Subtotal:  |          | \$2,507.00  |
| COSTS   |           |  |         |                                     |             |  |          |             |
| #   | Item      | Detail   |         |                                     | Amount      |  | Amount   |             |
| 1.  | Expenses  | Total- Photocopies, postage, Federal Express (details attached to end of timesheets, Attachment 2) |         |                                     | \$304.26    |  | \$304.26 |             |
| Subtotal:   |           |  |         |                                     | \$304.26    | Subtotal:  |          | \$304.26    |
| TOTAL REQUEST :   |           |  |         |                                     | \$50,528.26 | TOTAL AWARD :  |          | \$39,706.26 |
| <p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Reasonable claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p> |           |  |         |                                     |             |  |          |             |
| ATTORNEY INFORMATION  |           |  |         |                                     |             |  |          |             |
| Attorney  |           | Date Admitted to CA Bar <sup>2</sup>   |         | Member Number                       |             | Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation |          |             |
| Lynn M. Haug  |           | June 12, 1990  |         | 146217                              |             | No   |          |             |
| Ronald Liebert  |           | December 11, 1989  |         | 142964                              |             | No   |          |             |

<sup>2</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.

**C. Attachments Documenting Specific Claim and Comments on Part III:**

| <b>Attachment or Comment #</b> | <b>Description/Comment</b>  |
|--------------------------------|---|
| Attachment 1                   | Certificate of Service  |
| Attachment 2                   | Time Sheets and expenses  |
| Attachment 3                   | First-time representative – rate request rationale for Ronald Liebert |
| Attachment 4                   | First-time representative – rate request rationale for Lynn Haug      |

**D. CPUC Disallowances and Adjustments:**

| <b>#</b> | <b>Reason</b>  |
|----------|--|
| A        | Liebert has been licensed as an attorney in the State of California for 25 years. Liebert has extensive experience practicing before the Commission on energy matters. Given that Liebert has 12 more years than the required, 13 years of experience for the final attorney intervenor rate range, the Commission finds it reasonable to award a rate of \$395 per hour for the years 2012 and 2013. This is below the median rate for attorneys with 13 or more years of experience. |
| B        | Haug has been licensed as an attorney in the State of California for 24 years. Haug has extensive experience practicing before the Commission on energy matters. Given that Haug has 11 more years than the required 13 years of experience for the final attorney intervenor rate range, the Commission finds it reasonable to award a rate of \$395 per hour for the years 2012 and 2013. This is below the median rate for attorneys with 13 or more years of experience.           |
| C        | A rate of \$100 is requested for paralegal work done by Janssen. D.14-06-045 approved a paralegal rate of \$110. We therefore find a rate of \$100 per hour to be reasonable and commensurate with the work performed.   |
| D        | A rate of \$100 is requested for paralegal work done by Wittenborn. D.14-06-045 approved a paralegal rate of \$110. We therefore find a rate of \$100 per hour to be reasonable and commensurate with the work performed.  |
| E        | Vote Solar substantially contributed to D.13-06-024. However, many of the issues raised were raised by other parties as well. Issues A, C, D, E, and F (as described in Attachment Two) were raised by other parties in this proceeding. Hours on these Issues were reduced by 25%, given that most of the issues were raised by numerous parties. This led to reductions in hours for Liebert's 2012 and 2013 total hours and Haug's 2013 hours.                                      |

**PART IV: OPPOSITIONS AND COMMENTS**

|   |     |
|---|-----|
| <b>A. Opposition: Did any party oppose the Claim?</b>           | No  |
| <b>B. Comment Period: Was the 30-day comment period waived?</b> | Yes |

**FINDINGS OF FACT**

1. The Vote Solar Initiative has made a substantial contribution to Decision 13-06-024.
2. The requested hourly rates for The Vote Solar Initiative's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$39,706.26.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. The Vote Solar Initiative is awarded \$39,706.26.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas and Electric Company, and Southern California Edison Company shall pay The Vote Solar Initiative their respective shares of the award, based on their California-jurisdictional electric revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month, non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 13, 2013, the 75<sup>th</sup> day after the filing of The Vote Solar Initiative's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



**APPENDIX**  
**Compensation Decision Summary Information**

|                                  |  |                           |    |
|----------------------------------|--|---------------------------|----|
| <b>Compensation Decision:</b>    |  | <b>Modifies Decision?</b> | No |
| <b>Contribution Decision(s):</b> | D1306024   |                           |    |
| <b>Proceeding(s):</b>            | R1110023   |                           |    |
| <b>Author:</b>                   | ALJ Gamson   |                           |    |
| <b>Payer(s):</b>                 | Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company |                           |    |

**Intervenor Information**

| <b>Intervenor</b> | <b>Claim Date</b> | <b>Amount Requested</b> | <b>Amount Awarded</b> | <b>Multiplier?</b> | <b>Reason Change/Disallowance</b> |
|-------------------|-------------------|-------------------------|-----------------------|--------------------|-----------------------------------|
|                   | 04/12/13          | \$50,528.26             | \$39,706.26           | N/A                | N/A                               |

**Advocate Information**

| <b>First Name</b> | <b>Last Name</b> | <b>Type</b> | <b>Intervenor</b>         | <b>Hourly Fee Requested</b> | <b>Year Hourly Fee Requested</b> | <b>Hourly Fee Adopted</b> |
|-------------------|------------------|-------------|---------------------------|-----------------------------|----------------------------------|---------------------------|
| Lynn              | Haug             | Attorney    | The Vote Solar Initiative | \$395.00                    | 2013                             | \$395.00                  |
| Ronald            | Liebert          | Attorney    | The Vote Solar Initiative | \$395.00                    | 2012                             | \$395.00                  |
| Ronald            | Liebert          | Attorney    | The Vote Solar Initiative | \$395.00                    | 2013                             | \$395.00                  |
| Eric              | Janssen          | Paralegal   | The Vote Solar Initiative | \$100.00                    | 2013                             | \$100.00                  |
| Deric             | Wittenborn       | Paralegal   | The Vote Solar Initiative | \$100.00                    | 2012                             | \$100.00                  |